

**Notice of Allowability**

Application No.

10/665,455

Applicant(s)

WISE ET AL.

Examiner

Art Unit

Delia M. Ramirez

1652

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6/7/2007.
2. ☒ The allowed claim(s) is/are 30.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of
- Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application                     |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date <u>6/11/07</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material                  | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|   | 9. <input type="checkbox"/> Other _____   |

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## **DETAILED ACTION**

### ***Status of the Application***

Claims 13-20, 22-23, 30 are pending.

Cancellation of claims 21, 24, and addition of claim 30 as submitted in a communication filed on 6/7/2007 are acknowledged.

Submission of a new oath, amendments to the specification and the drawings as submitted in a communication filed on 6/7/2007 are acknowledged.

In a telephone conversation with Mr. Kenneth Sharples on 8/7/2007, an agreement was reached to cancel non-elected claims 13-20, 22-23.

### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on 6/11/2007 was filed after the mailing date of the first Office action on the merits on 1/5/2007. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Examiner's Amendment***

2. An Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

3. Authorization for this Examiner's amendment was given in a telephone interview with Mr. Kenneth Sharples on 8/7/2007.

4. Please cancel claims 13-20, 22-23.

***Reasons for Allowance***

5. The following is an Examiner's statement of reasons for allowance. Although the prior art (Pavel et al.; cited in the Non Final action of 1/5/2007) discloses a method for the detection of 3-methylphenol, 4-methylphenol, 3,4-dimethylphenol, and 4-ethylphenol, wherein said method utilizes *P. putida* strains comprising a reporter luciferase gene under the control of the *Pseudomonas sp.* strain CF600 dmp operon promoter Po, wherein said strains comprise a mutated *Pseudomonas sp.* strain CF600 DmpR gene, wherein the mutation is a single amino acid substitution in the amino terminal A domain (sensor domain), the Examiner has found no teaching or suggestion in the prior art directed to a method for detecting 2-chlorophenol or 2,4-dichlorophenol in a test sample, wherein said method requires culturing a *Pseudomonas* or *Escherichia coli* cell comprising (a) a reporter gene under the control of the Po promoter inducible by the DmpR protein of *Pseudomonas sp.* strain CF600, and (b) a *Pseudomonas sp.* strain CF600 DmpR gene mutated such that its sensor domain comprises SEQ ID NO: 3. Therefore, claim 30 directed to a method for detecting 2-chlorophenol or 2,4-dichlorophenol in a test sample, wherein said method comprises the steps of (1) culturing a *Pseudomonas* or *Escherichia coli* cell comprising (a) a reporter gene under the control of the Po promoter inducible by the DmpR protein of *Pseudomonas sp.* strain CF600, and (b) a *Pseudomonas sp.* strain CF600 DmpR gene mutated at the coding region of the sensor domain, wherein the coding region of the sensor domain of the mutated *Pseudomonas sp.* strain CF600 DmpR gene comprises SEQ ID NO: 3, wherein said mutation results in enhanced transcriptional activation response to 2-chlorophenol and 2,4-dichlorophenol relative to the response obtained with wild type *Pseudomonas sp.* strain CF600 DmpR protein, and (2) detecting the expression of the reporter gene, wherein expression of the reporter gene is indicative of the presence of 2-chlorophenol or 2,4-dichlorophenol, appears to be allowable over the prior art of record.

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*Conclusion*

6. Claim 30 is allowed.
7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Delia M. Ramirez whose telephone number is (571) 272-0938. The examiner can normally be reached on Monday-Friday from 8:30 AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Ponnathapura Achutamurthy can be reached on (571) 272-0928. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-1600.



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Primary Patent Examiner  
Art Unit 1652

DR  
August 14, 2007